



## City of Tigard Tigard Business Meeting – Minutes

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### **TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD**

**MEETING DATE AND TIME:** December 28, 2010 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

**MEETING LOCATION:** City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 - 7:15 PM

#### **COUNCILOR SYDNEY WEBB RECEPTION**

**HONORING HER FOR HER YEARS OF SERVICE AS  
TIGARD CITY COUNCILOR  
2003 TO 2010**

#### **1. BUSINESS MEETING**

- A. Call to Order by Mayor Dirksen at 7:32 p.m.
- B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

See Item No. 8

#### **2. CITIZEN COMMUNICATION**

- A. Follow-up to Previous Citizen Communication -- None.
- B. Citizen Communication – No one signed in to speak.

### **TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010**

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA:

A. Approve City Council Meeting Minutes

1. September 21, 2010
2. October 19, 2010

B. Receive and File - Safety and Wellness Awards Received From League of Oregon Cities and City County Insurance Services

C. Appoint Cameron James and Christopher Henn to the City's Budget Committee and Melody Graeber as an Alternate Budget Committee Member

RESOLUTION NO. 10-73 -- A RESOLUTION APPOINTING CAMERON JAMES AND CHRISTOPHER HENN TO THE BUDGET COMMITTEE AND APPOINTING MELODY GRAEBER AS AN ALTERNATE MEMBER

D. Approve Amendments to Extend Contracts for City Attorney and Labor Attorney Services

E. Acquire Property for a Segment of the Fanno Creek Trail (Grant Avenue/Main Street)

RESOLUTION NO. 10-74 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD, OREGON DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF COMPLETING THE GRANT AVENUE/MAIN STREET SEGMENT OF THE FANNO CREEK TRAIL IN THE CITY OF TIGARD AND ASSOCIATED GREENWAY AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

F. Authorize the Sale of General Obligation Bonds for Parks and Refund Outstanding Bonds

RESOLUTION NO. 10-75 -- A RESOLUTION OF THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO ACQUIRE, PRESERVE AND PROTECT OPEN SPACES, WATER QUALITY, HABITAT, AND PARKS AND TO REFUND OUTSTANDING BONDS

G. Local Contract Review Board:

1. Authorize the City Manager to Execute Change Order Number 12 for the Burnham Street Improvement Project

Motion by Councilor Webb, seconded by Council President Wilson, to approve the Consent Agenda.

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Councilor Buehner advised she was absent from the October 19, 2010 meeting and would abstain from voting on the minutes for that meeting.\*

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes* (Abstained from voting on the 10/19/10 minutes.)
Councilor Henderson	Yes
Councilor Webb	Yes

#### 4. CONSIDER A RESOLUTION AMENDING THE MASTER FEES AND CHARGES SCHEDULE TO INCREASE WATER SYSTEM DEVELOPMENT CHARGES (SDC's)

##### Staff Report

Utility Division Manager Goodrich presented the staff report, which is on file with the Council packet materials. The City's consultant has completed a comprehensive water financial plan, which included a Water System Development Charge (SDC) Update.

The Homebuilders Association provided previous testimony regarding their request for a four-step, three-year phase-in of the fees and charges proposed through the new methodology.

The Intergovernmental Water Board has recommended no phase-in of the changes under discussion. The Board further recommended that if the City Council was to consider a phase-in as requested by the Homebuilders Association, that Council adopt a three-step, two-year phase-in as proposed by city consultants. A December 13, 2010, memorandum from Red Oak Consulting was presented to the City Council in the packet meeting materials regarding the phase-in.

Utility Division Manager Goodrich reviewed the key elements of the effect of implementation of the resolution.

Mayor Dirksen noted this is not a public hearing. Upon consent of the City Council members, Mayor Dirksen granted Mr. Ernie Platt's request to address the City Council.

- Ernie Platt, Director of Local Government Affairs, Homebuilders Association, 15555 SW Bangy Road, Suite 301, Lake Oswego, Oregon 97035:
  - Referred to written materials submitted two weeks ago to the City Council and said they are still valid and relevant.
  - Referred to the phase-in schedule of the concept.

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- These are terrible economic times. Any kind of an increase makes it more difficult for anyone to get a development or project underway.
- The proposal is for an approximate \$4,400 increase for a single-family house.
- Suggested the increase be implemented in four equal steps over a three-year period; that is, approximately \$1,100 upon the effective date of the resolution and a like amount in each of the following three years.
- Pointed out that at 100 single-family building permits per year over the next four years, the difference in revenue to the City between a two-year and a three-year phase-in is about \$220,000. This is a reasonable sum of money.
- Urged the City Council to consider his proposed phase-in.

#### Council comments.

- Councilor Buehner said she understood Mr. Platt's position and agreed that his proposal was not a lot of money. She said it was more of an issue with how this would appear to the residents who are taking a huge increase this year. She was concerned about fairness and questioned whether city residents would be taking more than their fair share of the rate increase over the next three years.
  - Mr. Platt responded that weight should also be given to the impact of the increase if it causes multiple people to decide not to go forward with development. Then, the City would receive nothing.
- Mayor Dirksen advised he respects the recommendation of our partners in the Intergovernmental Water Board. He referred to the IWB's position that if there was to be a phase-in, then it should be limited to two years. He would choose the two-year phase in.
- Council President Wilson said raising rates is not the same as collecting revenue. A higher rate might deter some people from building and this particular recession is such that we do not need additional disincentives. Revenue projections are essentially a guess. He said he would support a slower phase-in because as development normalizes, the revenues will begin to increase. He said he does not see the same issue as stated by Councilor Buehner for fairness between residents and builders, because our future residents will be buying homes and these charges will be passed onto them. The proposal is not really for or against developers, it is about builders producing a product that is sold to our future neighbors. Ultimately, the money all comes from the same place. The question is whether the City will agree to phase-in the increase. He said he supports a three-year phase-in.
- Councilor Webb referred to her advocacy of affordable housing since 1995. In reviewing the fees related to housing, it will not be possible for people to purchase these homes who make 50% of median income. At the same time, she said she wants to see building move forward in the City of Tigard and she does not think there will be very many homes built over the next couple of years. She said she was supportive of the same option as Council President Wilson.
- Councilor Henderson said the phase-in appears to be a good incentive program to allow people to budget for this. He would support Option 3 as described by staff. He was in favor of anything the City Council could do to help turn around the economy.

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- Mayor Dirksen noted the resolution before the City Council was written with a two-year, three-step phase in. Utility Division Manager Goodrich advised staff anticipated the City Council might want to consider one of the other options and he distributed an Exhibit A that could be attached to the proposed resolution enacting Option 3.

Council motion to consider a change to Exhibit A of the proposed resolution:

Motion by Council President Wilson, seconded by Councilor Webb, for a three-year, four-step phase in as defined in Exhibit A. (This exhibit was presented by staff during the meeting and replaces the exhibit that was attached to the proposed ordinance.)

The motion was approved by a majority vote of City Council present.

Mayor Dirksen	No
Council President Wilson	Yes
Councilor Buehner	No
Councilor Henderson	Yes
Councilor Webb	Yes

Motion by Councilor Webb, seconded by Council President Wilson, to approve Resolution No. 10-76.

#### RESOLUTION NO. 10-76 -- A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE, AS ADOPTED BY RESOLUTION 10-30, TO INCREASE WATER SYSTEM DEVELOPMENT CHARGES

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

#### 5. CONSIDER ORDINANCE AUTHORIZING ISSUANCE OF WATER REVENUE BONDS

Finance and Information Services Department Director LaFrance presented the Staff Report. On November 9, the City Council approved the Water Financing Plan and the Water Fees. The City Council just approved the System Development Charges amendments. The proposed ordinance would authorize the issuance of Water Revenue Bonds for a total not to exceed \$160,000,000. This action would finance capital improvements to the City's water system, including but not limited to, water facilities included in the Water Rate Study adopted by Council on November 9, 2010 in Resolution No. 10-58.

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Mayor Dirksen asked for City Council comments. Councilor Webb said that this is a required step. The City has planned for this and she added that the City of Lake Oswego would be doing the same thing.

Mayor Dirksen said that doing this in a timely fashion is important. The coming year needs to be a year of planning and construction to have the system functioning by the time our contract with the City of Portland expires in 2016.

Councilor Webb said it appears that this will be a good year to acquire favorable rates and Council President Wilson added that it is good timing to construct projects and anticipates we will receive very good bids this summer.

Mayor Dirksen advised the ordinance is written as a “not to exceed” insofar as we are not compelled to sell bonds in the total amount. We will only sell bonds in the amount necessary to move forward with the project.

Councilor Buehner said the bonding will fund projects in the five-year plan for the City of Tigard, most of which are for the water partnership. Some of the projects are for other needed updates as well.

Council consideration: Motion by Councilor Webb, seconded by Council President Wilson, to adopt Ordinance No. 10-19.

**ORDINANCE NO. 10-19 -- AN ORDINANCE OF THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS FOR A TOTAL OF NOT TO EXCEED \$160,000,000**

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

**6. UPDATE ON AMENDING THE CITY'S CITIZEN INVOLVEMENT STRUCTURE AND APPOINTING THE PLANNING COMMISSION TO SERVE AS COMMITTEE FOR CITIZEN INVOLVEMENT**

Assistant Community Development Director Hartnett presented the Staff Report. She reviewed the City Council action on November 23, 2010, when it adopted Resolution No. 10-62. On November 23, 2010, Council passed Resolution 10-62. The actions approved in this resolution included:

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1. Appointing the Tigard Planning Commission as the state required Committee for Citizen Involvement (CCI) for land use planning related matters and, if needed, directing City staff to amend the Tigard Municipal Code to reflect this change;
2. Amending the bylaws and modifying the charge statements of other boards, commissions, and committees to specifically require citizen involvement as part of their responsibilities;
3. Modifying the bylaws of the then existing Committee for Citizen Involvement to transform that committee into the Council advisory committee for the Neighborhood Network Program; and
4. Authorizing the City Manager to sign and send a letter to the Department of Land Conservation and Development (DLCD) notifying their Communications Officer of these changes.

The letter was sent on December 1, 2010. The appointment of the Planning Commission as the CCI for land use was reviewed by the Citizen Involvement Advisory Committee (CIAC), which advises both DLCD and the Land Conservation and Development Commission (LCD). Assistant Community Development Director Hartnett participated in the CIAC meeting on December 16, 2010, via telephone. The CIAC has no issues with what the City of Tigard is proposing. In fact, the CIAC is very excited that we are asking all of our Boards to include citizen involvement in their charge statements. The CIAC's authority only extends to land use decision making but all of the members of that committee are interested in citizen involvement in local government decision making. The CIAC has asked Tigard staff to report to them in about a year to let them know how it is going.

#### Council Comments.

Council President Wilson commented that citizen involvement is required in state law and is one of the goals of the LCDC. It can become just another “box that you check off.” The goal is to have involved citizens. The City of Tigard recognizes the importance of raising leadership in the City to carry on when City Council members leave. Council President Wilson said he thinks that a city that has lots of involvement by its citizens is what makes a good city. We are always trying new things to get people involved. He hopes that the effort does not become institutionalized but proves to be a way to engage people in their community.

Councilor Buehner said she is excited about this opportunity. She asked Assistant Community Development Director Hartnett if she thought the CIAC might encourage other cities to do the same thing. Assistant Community Development Director Hartnett said the members might do so in their professional roles but not in their role within the CIAC given that their authority is limited to land use decision making.

Councilor Henderson asked if all of the Planning Commissioners would participate. Assistant Community Development Director Hartnett advised that the entire Planning Commission would make up the CIAC. The Planning Commission members all participated in training.

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Councilor Henderson asked how a visitor could give input to the CIAC. Assistant Community Development Director Hartnett said this was a good question. There will be no public hearing on items before the Committee. She said she believed the Planning Commission would be open to taking input from the community if there are concerns and would respond.

Mayor Dirksen referred to the upcoming High Capacity Transit public input process and the need for the CIAC to solicit engagement from the public.

Councilor Buehner suggested that the CIAC include a regular item on the agenda for citizen comments.

Mayor Dirksen suggested times be identified where public comment could be solicited either before or after discussion on the CIAC agenda.

Mayor Dirksen referred to Council President Wilson's comments about the citizen involvement process. He said that the citizen involvement process is in constant flux. Prior to his service on the City Council, he was a facilitator in the City Involvement Team (CIT) program. As time passes, no matter how good a program is, it becomes pro forma; it gets stale. Changing the process periodically stimulates new conversation and encourages new people to participate.

7. COUNCIL LIAISON REPORTS - None

8. NON AGENDA ITEMS

A. CONSIDER RESOLUTION APPROVING THE SUBMITTAL OF A REQUEST FOR RECREATIONAL TRAIL GRANT PROGRAM FUNDS

Assistant Community Development Director Hartnett presented the staff report, which is on file with Council packet materials. The grant would partially fund the construction of the Woodard Park/Grant Avenue portion of the Fanno Creek Trail.

Motion by Council President Wilson, seconded by Councilor Buehner, to adopt Resolution No. 10-77.

RESOLUTION NO. 10-77 -- A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARKS AND RECREATION DEPARTMENT OF A RECREATIONAL TRAIL PROGRAM GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF THE WOODARD PARK/GRANT AVENUE SEGMENT OF THE FANNO CREEK TRAIL

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen

Yes

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Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

**B. CONSIDER APPROVING RIGHT-OF-WAY ACQUISITION FOR BURNHAM STREET - FRONTIER COMMUNICATIONS NORTHWEST, INC. (FORMERLY VERIZON)**

Assistant City Manager Newton presented the staff report, which is on file with Council packet materials. Staff requested City Council approval of right-of-way acquisition for the Burnham Street project from Frontier Communications Northwest Inc. for \$67,603. This property acquisition will widen the right-of-way of Burnham Street by 15 feet so that there is adequate land for the wider street and sidewalks. The right-of-way agreement consolidates the driveways for the Frontier property with the Motsumoto property

Motion by Councilor Buehner, seconded by Councilor Webb, to approve the right-of-way acquisition for Burnham Street with Frontier Communications Northwest.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

➤ **Councilor Webb's final City Council meeting.**

Mayor Dirksen called attention that this is Councilor Webb's final meeting as a Tigard City Councilor. He said he will miss her and noted his appreciation for her service on the City Council. He acknowledged her passion and concern for the City along with the breadth of knowledge she possesses.

Councilor Buehner said the Council would miss Councilor Webb's expertise on issues relating to affordable housing, the homeless, and those with disabilities. She thanked Councilor Webb for her years of service.

Council President Wilson said he was in agreement with the remarks from Mayor Dirksen and Councilor Buehner.

**9. EXECUTIVE SESSION: Not held.**

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8:19 p.m.  
10. ADJOURNMENT

Motion by Councilor Webb, seconded by Councilor Henderson, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

/s/Catherine Wheatley  
Catherine Wheatley, City Recorder

Attest:

/s/Craig E. Dirksen  
Mayor, City of Tigard

Date: February 8, 2011

## **TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010**